

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present Application. Claims 14 – 29 and 31 - 50 are pending in the present application. Claims 1-13 and 30 are cancelled. Claims 14, 32, and 40 are independent claims. By this response, claims 14, 32, and 40 are amended.

Scope of Amendments

Applicants respectfully submit that independent claim 14 is amended only to include the limitations of now-cancelled claim 30. Applicants therefore respectfully submit that, as presented, claim 14 is now claim 30 re-written in independent form.

Claim Rejections under 35 U.S.C. §102

Claims 14, 18, 21, 24 – 29, 32 – 35, 37, 40 – 42, 46, 49, and 50 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,354,405 to Svensson-Hilford (“Hilford”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

With respect to independent claims 14, 32, and 40, Applicants respectfully submit that the amendments to these claims render them more proper for traversal with respect to the subject matter of now-cancelled claim 30. Applicants will therefore traverse these claims as though they were rejected under 35 U.S.C. §103 as being unpatentable over Hilford in view of U.S. Patent 6,704,039 to Pena (“Pena”).

With respect to claims 18, 21, 24 – 29, 33 – 35, 37, 41, 42, 46, 49, and 50, Applicants respectfully submit that these claims are allowable at least by virtue of their dependency from independent claims 14, 32, and 40. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §103 – Hilford

Claims 15 – 17, 19, 20, 22 – 23, 36, 38, 39, 43 – 45, 47, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilford alone. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicants respectfully submit that claims 15 – 17, 19, 20, 22 – 23, 36, 38, 39, 43 – 45, 47, and 48 are allowable at least by virtue of their dependency from independent claims 14, 32, and 40. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §103 – Pena

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilford in view of Pena. Claim 30 is cancelled, however its limitations are incorporated into independent claims 14, 32, and 40. Applicants therefore respectfully traverse this rejection as though it was directed at independent claims 14, 32, and 40.

Claim 14

Independent claim 14 pertains to a method of repaying investment costs associated with an elevator installation, the method comprising, in pertinent part, reading an elevator user's personal data from an access device that is used to identify and charge a user for travel on the elevator system, "wherein said access device further allows said passenger to access and pay for travel on other means of transport such as public transportation systems, taxis, trains, ships, airplanes, and other similar modes of transportation."

Pena is not a Valid Reference

The Office Action admits that Hilford fails to teach the above-quoted claim limitation and instead relies on Pena for this teaching. Applicants respectfully note that Pena has a filing date of September 18, 2001. The present Application has a foreign priority date of June 28, 2001 based on Finnish Application 20011393. Applicants therefore respectfully submit that Pena is not a valid reference against the present Application.

Pena's Parent Application is Non-Analogous Art

Applicants note that Pena is a continuation-in-part of an Application filed on October 16, 1999, but respectfully submit that the October 16, 1999 Application (now Patent 6,292,211) is non-analogous art. The financial transactions discussed in 6,292,211 are limited to technician-assisted exchanges of currency or bank drafts between private parties.

Although a reference from a different field of endeavor may be applied in some cases, the reference must be "one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole." (MPEP §2141.01(a).I)

In the case of 6,292,211, the subject matter is video conferencing and technician-assisted money transfers. Any concept related to employing an access device in a fashion similar to a metro card for bus or train access, or as a payment device for a taxi, or a car-sharing service access card, or as a source of access and payment for any number of other transportation options (elevators, ferries, shuttles, commuter flights, trains, etc.) is wholly missing from 6,292,211. There is nothing in the teachings of 6,292,211 that would commend it to an inventor developing a user-carried access device useful for accessing and paying for multiple personal transportation options.

Applicants therefore respectfully submit that 6,292,211 is non-analogous art and may therefore not be properly relied upon as a reference against the present Application.

Summary

At least in view of the above, Applicants respectfully submit that Pena is not a proper reference against the present Application both because of its filing date and its non-analogous subject matter. Applicants therefore submit that the Office Action fails to establish a *prima facie* case of obviousness with respect to independent claim 14.

Claims 32 and 40

Claims 32 and 40 pertain, respectively, to an elevator access device and an elevator system including an access device, both claims requiring, in pertinent part, that "said access device allows said passenger to access and pay for travel on other means of transport such as public transportation systems, taxis, trains, ships, airplanes, and other similar modes of transportation."

Applicants respectfully submit that this limitation is similar to that discussed with respect to independent claim 14 and that Pena is therefore not a proper reference against independent claims 32 and 40 for at least the same reasons set forth with respect to independent claim 14. Specifically, Pena's filing date is later than the foreign priority date of the present Application and Pena's parent application is non-analogous art. Applicants therefore submit that the Office Action fails to establish *prima facie* obviousness of independent claims 32 and 40.

Summary

At least in view of the above, Applicants respectfully submit that the Office Action admits Hilford as being deficient with respect to independent claims 14, 32, and 40.

Applicants therefore submit that, because Pena is not a proper reference against the present Application, the Office Action fails to establish *prima facie* obviousness of independent claims 14, 32, and 40. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §103 – Boesch

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilford in view of U.S. Patent 6,205,433 to Boesch (“Boesch”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicants respectfully submit that claim 31 is allowable at least by virtue of its dependency from independent claim 30. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Naphtali Y. Matlis, Reg. No. 61,592, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 29, 2009

Respectfully submitted,

By 

Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant